



An  
Bord  
Pleanála

## Inspector's Report ABP314491-22

### Development

Demolition of dwelling to side and Rear. Construction of 2 houses with vehicular entrances and associated site works.

Location

67 Ennel Drive, Dublin 5, D05 T3Y1.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4247/22.

Applicant

Gary Flood.

Type of Application

Permission and retention permission

Planning Authority Decision

Permission with conditions.

Type of Appeal

Third Party

Appellant

Eileen Brady.

**Observers**

Sean and Linda Coffey.

**Date of Site Inspection**

22<sup>nd</sup> August 2023.

**Inspector**

Derek Daly.

## 1.0 Site Location and Description

- 1.1. The subject property is a two storey end of terrace dwelling with a large corner site which has frontage onto Ennel Drive to the southeast and Saint Brendan's Park to the north and which is located in an established residential area in the northeastern suburbs of Coolock in Dublin city. The site bounds onto the side boundary of No. 13 Saint Brendan's Park to the north west, 65 Ennel Park to the south west and public roads on the remaining boundaries. The area is residential comprising two storied dwellings. There is a single storied garage on the gable of the 13 Saint Brendan's Park property.
- 1.2. The site is higher in level than the level of the adjoining roads and is particularly marked along the St Brendan's Park boundary.
- 1.3. The site has a stated area of 617m<sup>2</sup>.

## 2.0 Proposed Development

- 2.1. The proposed development as applied for comprises the following:
  - 2.1.1. The partial demolition of existing dwelling to the side and rear. The elements to be demolished are a single storey garage attached to the side and a detached single storey shed to the immediate rear of the house. It is also proposed to demolish the existing side wall enclosing the rear garden. The proposal provides for retaining a rear private open space area stated as 60m<sup>2</sup>.
  - 2.1.2. The construction of a two storey three bedroom detached house (114 m<sup>2</sup> in floor area) referred to as house A on the submitted drawings to the side of the existing dwelling which maintains the front/south building of the existing dwelling on the site and is approximately 1.1m from the gable of No. 67. The dwelling projects approximately 1.8m beyond the rear building line of the existing dwelling. The proposed dwelling house would be sited between 3.935m to 4.29m from the boundary onto Saint Brendan's Park to the north. The dwelling would have a rear garden depth of 4.23m and would be 5.53m from the gable of the second new dwelling. The proposal provides for a rear and rear private open space area stated as 84.5m<sup>2</sup>.

The overall height to roof ridge is stated as 7235mm and corresponds roughly to the ridge height of 67 Ennel Park.

- 2.1.3. The construction of a two storey two bedroom house (114 m<sup>2</sup> in floor area) referred to as house B on the submitted drawings to the rear of the existing dwelling and sited adjacent to the north boundary with No. 13 Saint Brendan's Park and beside the single storey garage and a further c.4.4m from the gable of No. 13. The house maintains the front and rear building lines of No.13 at first floor level with the ground floor projecting approximately 2.35m to the rear. At first floor level the two bedrooms would be sited to the front overlooking Saint Brendan's Park and the only first floor windows to the rear serve the bathroom and ensuite. The proposal provides for a rear private open space area stated as 50m<sup>2</sup>.

The overall height to roof ridge is stated as 8540 mm and corresponds roughly to the ridge height of 13 St Brendan's Park.

- 2.1.4. The proposal provides for the creation of two new vehicular entrances for the two new houses and the relocation of the existing vehicular entrance to the existing house with one on-site car parking space provided for each dwelling.
- 2.1.5. The proposed development also includes all associated site development works including hard and soft landscaping, drainage and attenuation works. The proposal also provides for new boundary walls 3 metres in height internally between the individual house sites proposed and existing.
- 2.1.6. It is also proposed to erect a 3 metre wall along part of rear garden area screening the rear of house A along the St. Brendan's roadside boundary with a 1.4 metre wall along the front section of House along the St Brendan's Park and Ennel Drive roadside boundaries.
- 2.1.7. The application was accompanied by a planning statement which indicates that the proposal as submitted complies with the current provisions of the Dublin City Development Plan and national guidance.
- 2.1.8. A services report was also submitted in relation the provision of water services.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the planning authority was to grant planning permission subject to thirteen conditions.

Condition 4 is of note as it recommends amending the height of the boundary wall along part of the St Brendan's Park boundary.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning report dated the 10<sup>th</sup> August 2022 refers to the development plan provisions and planning history. The assessment considers the proposal would have an impact on adjoining properties and private amenity open space provision is acceptable. The provision of 3 metre high wall along the St Brendan's roadside boundary is considered excessive and a lowering of this wall to 2 metres along the boundary of site B is recommended. A permission is recommended.

#### **3.2.2. Other Technical Reports**

No objections from other departments.

## **4.0 Planning History**

### **4.1. ABP PL29N.244427 / P.A. Ref. 3706/14.**

Application to build 2 no. 2 storey semi-detached 3 bedroom houses. The decision of the planning authority was to grant planning permission and refused by An Bord Pleanála on appeal. One reason was stated;

The subject site is located within an established residential area zoned 'Z1' in the Dublin City Development Plan 2011-2017, which seeks "To protect, provide and improve residential amenities". The proposed extension as designed to the existing house by reason of its design, scale and mass would be contrary to the provisions of the Development Plan and the construction of the semi-detached houses would be contrary to section 17.9.6 of the said plan as they fail to maintain the side building

line of this prominent corner site as established by numbers 13-55 Saint Brendan's Park to the north-west of the application site, resulting in a development that would be out of character at this location and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.2. P.A Ref. 1583/08 Application to build 2 no. new 2 storey semi-detached 4 bedroom house, one bedroom in attic space with vehicular access from Ennel Drive to each house, provide for new single storey extension to front with lean to roof to extend over existing front porch and new 2 storey extension to rear to comprise new kitchen & living room at ground floor and 2 no. additional bedrooms & 1 no. bathroom at first floor level to give a total of 4no. bedrooms. Permission Granted with conditions.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.2. The relevant statutory development plan is the Dublin City Development Plan 2022-2028.

- 5.3. The site is located within the Z1 zoning with the objective to provide and improve residential amenities.

- 5.4. Chapter 15 refers to Development Standards which outlines guidance and standards in relation to assessment of all forms of development including residential development. Other guidance is outlined in Volume 2 Appendices in relation to plot ratio, site coverage, parking and other aspects of development.

- 5.4.1. Section 15.11 refers to house developments and section 15.11.3 to private open space and that a minimum standard of 10 sq. m. of private open space per bedspace will normally be applied and generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city and that these standards may be relaxed on a case by case basis subject to a qualitative analysis of the development.
- 5.4.2. Section 15.11.4 refers to separation distances (Houses) and that at the rear of dwellings, there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear first floor windows of 2-storey dwellings but this may be relaxed if it can be demonstrated

that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers.

5.4.3. Section 15.13.3 in particular refers to infill /side garden housing developments and that the development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. It is indicated that the planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites which include:

- The character of the street.
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Accommodation standards for occupiers.
- Development plan standards for existing and proposed dwellings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of a safe means of access to and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines, where appropriate.
- Level of visual harmony, including external finishes and colours.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.

## 5.5. Natural Heritage Designations

None relevant.

## 5.6. EIA Screening

5.7. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant's grounds of appeal can be summarised as;

- Reference is made to the site context and planning history.
- Reference is made to proximity of the distance of house B and the appellant's property as between 410mm and 670mm and a window on the gable of her house.
- The short distance will leave no access to maintain or upgrade the gable of her property.
- House A is still infringing on the established building line of St Brendan's Park by approximately 2 metres and this ignores the previous ABP decision and does not comply with CDP guidance in relation to compatibility of design and paying attention to building lines.
- The development will result in a loss of light and loss of visual connection between the 2 greens on St Brendan's Park.
- Condition no. 4 results in a very exposed and not private open space for house A and House A is not compliant with providing open space behind the building line.
- There is no landscaping in keeping with the streetscape.

## 6.2. Applicant Response

The applicant's response to the grounds of appeal in summary states,

- Reference is made to national guidance and the Dublin City Development Plan and that the requirements and standards as stated in the CDP are complied with.
- The current planning application is guided by the previous Board decision and addresses concerns raised by the Board.
- The current proposal fully respects existing building lines.
- The development has adequate provision of open space.
- Specific to the grounds of appeal it is noted that the gap between both properties is minimal but does not deny right to maintain her property.
- House B is in keeping with the building line on St. Brendan's Park.
- Daylight will not be impacted below BRE levels and given the orientation it is not considered that the proposed development will significantly overshadow the appellant's property.
- The applicant fully accepts condition no. 4 of the planning authority's decision and offers a further amendment to the condition.
- Landscaping is addressed in condition no.6 of the planning authority's decision.
- The Board is requested to uphold the planning authority's decision.

## 6.3. Observations

Sean and Linda Coffey in a submission indicate they wished to support the appeal lodged.

## 7.0 Assessment

- 7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.



The issues are addressed under the following headings:

- Principle of the development.
- Siting and design/impact on visual and residential amenities.
- Appropriate Assessment

## **7.2. Principle of the development.**

7.2.1. The site is located within a residential area with a residential zoning. There is also as stated in section 15.13.3 of the current CDP that the development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites. The proposed development is therefore acceptable in principle.

## **7.3. Siting and design/impact on visual and residential amenities.**

7.3.1. These issues are central to the grounds of appeal and were also the primary issues in the previous decision on the site.

7.3.2. The current proposal differs from the previous proposal considered under ABP PL29N.244427 / P.A. Ref. 3706/14 which was an application to build 2 no. 2 storey semi-detached 3 bedroom houses and the stated reason for refusal by the Board referred to the proposed extension as designed to the existing house by reason of its design, scale and mass would be contrary to the provisions of the Development Plan and the construction of the semi-detached houses would be contrary to section 17.9.6 of the said plan as they fail to maintain the side building line of this prominent corner site as established by numbers 13-55 Saint Brendan's Park to the north-west of the application site, resulting in a development that would be out of character at this location and would seriously injure the visual amenities of the area.

7.3.3. The current proposal has in effect recast the design and layout and the applicant has stated that this is in response to the Board decision. The appellant in the grounds of appeal that house A is still infringing on the established building line of St Brendan's Park by approximately 2 metres and this ignores the previous ABP decision and does not comply with CDP guidance in relation to compatibility of design and paying attention to building lines.

- 7.3.4. The site is by urban standards is a relatively large corner site offering the possibility of having additional housing units. The current proposal under appeal provides for two new detached dwellings and house A maintains the building line of Ennel Drive and house B the building line of St. Brendan's Park.
- 7.3.5. In section 15.13.3 of the CDP criteria for assessing proposals for the development of corner/side garden sites are outlined which include;
- The character of the street. Level of visual harmony, including external finishes and colours is also referred to as criteria.

In relation to these matters the proposal in relation to scale and height will not be detrimental to the character of the streets and is visually acceptable. The proposal will present a strong visual edge to an open corner area which I consider will enhance the streetscape.

- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings. The criteria also refers to the maintenance of the front and side building lines, where appropriate.

I consider that the proposal presents a high level of compatibility. The side elevation of house A is forward of the building line of St. Brendan's Park but it is less than 2 metres and this is buffered by the presence of house B which retains the building line of St Brendan's Park. In overall terms there is a relatively strong cohesion in relation to the proposed development and existing development patterns and the layout as presented is appropriate to the site and its surroundings.

- Accommodation and development standards.

The development largely complies with CDP standards and national guidance. The private open space of House A is stated as 84.5m<sup>2</sup> which comprises rear and side garden areas and there is sufficient area provided for private open space even if some of the side /rear area is potentially visible and overlooked from the public road if the boundary wall is reduced in height as recommended by the planning authority by condition.

- Impact on the residential amenities of adjoining sites.

In relation to the dwellings have been designed to minimise impact in relation to potential overlooking of existing properties and also in relation to each of the proposed dwellings. Overshadowing of properties given the orientation of the properties existing and proposed will not give rise to an adverse impact.

- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.

Internal screening is proposed and new boundary walls are also proposed. I note the concerns raised in condition 4 in relation to height of the boundary wall along St. Brendan's Park and that a wall of 3 metres along this boundary would be excessive and detrimental to the visual amenity of the streetscape and a reduction to 2 metres would be appropriate and amending the height of the boundary wall along part of the St Brendan's Park boundary.

- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.

In relation to this there is a gable facing a corner and it is difficult to see how this can be avoided. The gable elevation is not a blank elevation and is visually acceptable.

7.3.6. The grounds of appeal refers to proximity of the development to the common boundary and in particular reference is made to proximity of the distance of house B and the appellant's property as between 410mm and 670mm and that there is a window on the gable of her house. The short distance will also leave no access to maintain or upgrade the gable of her property. In response the applicant states that the gap between both properties is minimal but does not deny right to maintain her property. Reference is made to the rear building line of house B extending past the rear building line of the appellant's property.

I would note initially that there is a single storey garage on the appellants property which immediately adjoins the common boundary. The gable window is a minimum of 4 metres from the common boundary. It is noted that the submitted proposal retains a 410mm gap between the side elevation of house B and the common boundary. The matter of maintenance would be a civil matter and the development will not adversely impact on the gable window.

In relation to the rear building line of house B the projection which extends past the rear building is singled storied and will not impact on the appellant's property.

7.3.7. I consider that the proposal in relation traffic and parking and in relation to services is acceptable.

#### 7.4. **Appropriate Assessment Screening**

7.5. Having regard to the nature and scale of the proposed development, the nature to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

### 8.0 **Recommendation**

8.1. I recommend that permission be granted.

### 9.0 **Reasons and Considerations**

Having regard to the residential zoning objective for the area and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not adversely impact on the visual amenity of existing adjoining dwellings and the streetscape, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 10.0 **Conditions**

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.<br>Where such conditions require details to be agreed with the planning |
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|    | <p>authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>  |
| 2. | <p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>  |
| 3. | <p>The provision of the entrances and the restoration of the public footpath shall be in accordance with the detailed standards of the planning authority for such works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>  |
| 4. | <p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>  |
| 5. | <p>The planning authority will approve the naming and numbering of the new dwellings in order to avoid confusion with similar names in other locations. The applicant shall agree a scheme's name, which shall be in both the Irish and the English language, with the planning authority prior to commencement of development and the name selected shall be installed on site.</p> <p><b>Reason:</b> In the interests of orderly street naming and numbering; to enhance urban legibility, and to retain local place name associations.</p> |
| 6. | <p>The development hereby approved shall incorporate the following amendment:</p> <ul style="list-style-type: none"> <li>a) The boundary wall to House A adjacent to and forward of the front building line of House B shall not exceed two metres in height.</li> <li>b) The boundary wall to the rear of House A onto Saint Brendan's Park shall not exceed two metres in height measured from the pavement side and shall fall to 1.5m in height immediately forward of the rear building line</li> </ul>                                  |

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|    | <p>of the dwelling. The pedestrian entrance and adjoining wall to the north side of House A shall be relocated to align with the rear building line of the dwelling and the height of the adjoining wall can be amended to provide an appropriate transition to the height of the boundary wall onto Saint Brendan's Park.</p> <p><b>Reason:</b> In the interest of the visual amenity of the streetscape</p>  |
| 7. | <p>No more than one car parking space shall be provided to each of No. 67, House A and House B and the remainder of the front garden of each dwelling shall be set out and permanently retained in soft landscaping/planting.</p> <p><b>Reason:</b> In the interest of visual amenity, sustainability and biodiversity</p>   |
| 8. | <p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.</p>   |
| 9. | <p>Within two months of the date of this order the applicant shall submit to and agree with the planning authority pay to the planning authority a landscaping scheme in relation to the site.</p> <p>This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing;</p> <p>The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.</p> <p>(b) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of</p> |

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|     | <p>similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of visual amenity</p>   |
| 10. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>  |
| 11. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Derek Daly  
Planning Inspector

6<sup>th</sup> September 2023